

## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF RECEIPT OF  
RECORD COPY

(PCT Rule 24.2(a))

From the INTERNATIONAL BUREAU

To:

SAMA, Daniele  
Sama Patents  
Via G.B. Morgagni 2  
I-20129 Milano  
Italy

24 APR. 2003

Date of mailing (day/month/year) 14 April 2003 (14.04.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference HF 2557/061/PCT	International application No. PCT/EP03/00394

The applicant is hereby notified that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

NICOX S.A. (for all designated States except US)

DEL SOLDATO, Piero et al (for US)

International filing date : 16 January 2003 (16.01.03)

Priority date(s) claimed : 29 January 2002 (29.01.02)

Date of receipt of the record copy by the International Bureau : 18 March 2003 (18.03.03)

List of designated Offices :

AP : GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW

EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM

EP : AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, SE, SI, SK, TR

OA : BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG

National : AE, AG, AL, AU, BA, BB, BG, BR, BZ, CA, CN, CO, CR, CU, CZ, DM, DZ, EC, EE, GD, GE, HR, ID, IL, IN, IS, JP, KP, KR, LC, LK, LR, LT, LV, MA, MG, MK, MN, MX, NO, NZ, OM, PH, PL, RO, SC, SG, SK, TN, TR, TT, UA, US, UZ, VC, VN, YU, ZA

## ATTENTION

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

☒ time limits for entry into the national phase - see updated important information (as of April 2002)

☒ confirmation of precautionary designations (if applicable)

☐ requirements regarding priority documents (if applicable)

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer:  Norbert BIGHETTO
Facsimile No. (41-22) 740-1435	Telephone No. (41-22) 338 8889

## ANNEX TO FORM PCT/IB/301

International application No.

PCT/EP03/00394

## INFORMATION ON TIME LIMITS FOR ENTERING THE NATIONAL PHASE

The applicant is reminded that the "national phase" must be entered before each of the designated Offices indicated on the cover sheet of this Notification by paying national fees and furnishing translations, as prescribed by Articles 22 and 39 and the applicable national laws. In addition, the applicant may also have to comply with other special requirements applicable in certain Offices. It is the applicant's responsibility to ensure the necessary steps to enter the national phase are taken in a timely fashion. Most Offices do not issue reminders to applicants in connection with the entry into the national phase.

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be 30 MONTHS from the priority date, not only in respect of any elected Office where a demand for international preliminary examination is filed before the expiration of 19 months from the priority date (see Article 39(1)), but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see PCT Gazette No. 44/2001 of 1 November 2001, pages 19925, 19932 and 19934, as well as the PCT Newsletter, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the PCT Gazette ("Section IV" part published on a weekly basis), to the PCT Newsletter (on a monthly basis) and to the relevant National Chapters in Volume II of the PCT Applicant's Guide (the paper version of which is updated usually twice a year and the Internet version of which is updated usually on a weekly basis). Finally, a cumulative table of all applicable time limits for entering the national phase is available from WIPO's Internet site, via links from various pages the site including those of the Gazette, Newsletter and Guide, at <http://www.wipo.int/pct/en/index.html>.

Information about the requirements for filing a demand for international preliminary examination is set out in the PCT Applicant's Guide, Volume I/A, Chapter IX. Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

## CONFIRMATION OF PRECAUTIONARY DESIGNATIONS

This notification lists only specific designations made under Rule 4.9(a) in the request. It is important to check that these designations are correct. Errors in designations can be corrected where precautionary designations have been made under Rule 4.9(b). The applicant is hereby reminded that any precautionary designations may be confirmed according to Rule 4.9(c) before the expiration of 15 months from the priority date (this time limit may not be extended). If it is not confirmed, it will automatically be regarded as withdrawn by the applicant. There will be no reminder and no invitation. Confirmation of a designation consists of the filing of a notice specifying the designated State concerned (with indication of the kind of protection or treatment desired) and the payment of the designation and confirmation fees. The Notice of confirmation and payment must reach the receiving Office within the 15-month time limit.

## REQUIREMENTS REGARDING PRIORITY DOCUMENTS

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed ("the priority document") to the receiving Office (which will transmit it to the International Bureau) or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before that date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau or if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within the time limit which is reasonable under the circumstances.

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit is the filing date of the earliest application whose priority is claimed.

## PATENT COOPERATION TREATY

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NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

SAMA, Daniele  
Sama Patents  
Via G.B. Morgagni 2  
I-20129 Milano  
Italy

Date of mailing (day/month/year) 14 April 2003 (14.04.03)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference HF 2557/061/PCT	
International application No. PCT/EP03/00394	International filing date (day/month/year) 16 January 2003 (16.01.03)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 29 January 2002 (29.01.02)
Applicant: NICOX S.A. et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
29-Janu 2002 (29.01.02)	MI2002A000148	IT	18 Marc 2003 (18.03.03)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Norbert RIGHEI
Facsimile No. (41-22) 740-1435	Telephone No. (41-22) 338 9889

## PCT

From the INTERNATIONAL BUREAU

## PCT

NOTICE INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

BARCHIELLI, Giovanna  
Patent Department Director  
NicoX Research Institute S.r.l.  
Via L. Ariosto 21  
I-20091 Bresso (Milan)  
ITALIE

Date of mailing (day/month/year)

07 August 2003 (07.08.03)

Applicant's or agent's file reference

HF 2557/061/PCT

## IMPORTANT NOTICE

International application No.

PCT/EP03/00394

International filing date (day/month/year)

16 January 2003 (16.01.03)

Priority date (day/month/year)

29 January 2002 (29.01.02)

Applicant

NICOX S.A.

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

None

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

None

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 07 August 2003 (07.08.03) under No. 03/064443

4. **TIME LIMITS** for filing a demand for international preliminary examination and for entry into the national phase

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be 30 MONTHS from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of 19 months from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a demand for international preliminary examination, see the *PCT Applicant's Guide*, Volume IA, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's sole responsibility to monitor all these time limits.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Judith Zahra

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.91.11

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)


(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

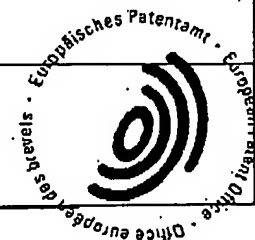
Applicant's or agent's file reference <b>HF 2557/061/PCT</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/EP03/00394</b>	International filing date (day/month/year) <b>16/01/2003</b>	Priority date (day/month/year) <b>29/01/2002</b>
International Patent Classification (IPC) or national classification and IPC <b>C07J41/00</b>		
Applicant <b>NICOX S.A. et al</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 2 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
  - II ☐ Priority
  - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☒ Lack of unity of invention
  - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand <b>01/08/2003</b>	Date of completion of this report <b>29/04/2004</b>
Name and mailing address of the IPEA:  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel.: (+ 31-70) 340-2040 Fax: (+ 31-70) 340-3016	Authorized officer <b>VERHULST W</b>  Tel. (+ 49-89) 2399 2828



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP03/00394

**I. Basis of the report**

The basis of this international preliminary examination is the application as originally filed.

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been the subject of the international preliminary examination in respect of the claims which have not been searched (Article 17(2)(a) or (3) and Rule 66.1(e) PCT); see also international search report).

**IV. Lack of unity of invention**

The objection as to lack of unity raised in the international search report is maintained. The reasons for the objection are the same as those indicated in the international search report.

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability**

To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims, which have been the subject of an international search report, does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

## PATENT COOPERATION TREATY

PCT

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Giovanna Barchielli/Patent Dept.  
NICOX RESEARCH INSTITUTE S.R.L.  
Via L. Ariosto 21  
I-20091 Bresso (MI)  
ITALIE

RICEVUTO

IL 5 MAG 2004

NICOX s.r.l. PATENT DEPT

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day:month:year)

06/05/2004

Applicant's or agent's file reference

HF 2557/061/PCT

IMPORTANT NOTIFICATION

International application No.

PCT/EP03/00394

International filing date (day:month:year)

16/01/2003

Priority date (day:month:year)

29/01/2002

Applicant

NICOX S.A. et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

## 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the [PEA]



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